

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 4/12/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 22nd day of March 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call: **Donald Bollin-President**
 JoAnne Arruda-Vice President - Absent
 Hannibal Costa
 Louise Durfee

Jay Lambert
Cecil E. Leonard
Edward Roderick

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Leonard, on a request from the Town Planner, moved to add item G-5, request to partner with the Town of Portsmouth and RI Energy Group (RIEG) on application for an energy efficiency community block grant for an instream tidal current renewable energy study in the Sakonnet River basin. Seconded by Councilor Durfee the motion passed unanimously.

Councilor Lambert requested removal of item A-1-a, minutes from regular Council meeting March 8, 2010. Councilor Durfee requested removal of item A-3-g, correspondence from Laura Epke regarding Council tax cap policy, from the Consent Agenda to section K, Town Solicitor item of same matter.

Councilor Roderick made a motion, seconded by Councilor Leonard to approve the Consent Agenda with the addition and removal of the items requested. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

b Approval of Executive Session Minutes of March 8, 2010

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|---------------------------------|-------------------------------|
| a. Historic Cemetery Commission | c. Harbor Commission Workshop |
| b. Cemetery Commission | d. School Committee (6) |

A-3-Correspondence:

- a. Received from Town of Westerly– Resolution Opposing Mandatory Binding Arbitration on Monetary Matters for Teachers
- b. Received from Town of Charlestown – Resolution Approval of Legislation Establishing a “Blue Alert” Program in State of RI
- c. Received from City of Newport – Resolution Encouraging Return of 34th America’s Cup Challenge to Newport
- d. Received from Towns of Foster and Burrillville – Resolutions in Opposition to RI Housing & Mortgage Finance Corp Notice on Tax Sales
- e. Received from Jonathan Cottrell Regarding Trash Pickup- Referred to DPW Director and Town Administrator - Response from DPW

- f. Received from Anne Rudasill, Aquidneck Island Chapter NSDAR – Thanking Council for Proclamation on National American Indian Heritage Month
- h. Town Administrator – Distribution of Superior Court Ruling on East Providence School Committee

A-4-Approval of Tiverton Council Resolutions

a. Support of Legislative Amendments to Protect Rhode Island's Cities and Towns and Their Public Officials/Employees

G-5-Chris Spencer, Town Planner – Request to Partner with the Town of Portsmouth and the RI Energy Group (RIEG) on Application for an Energy Efficiency Community Block Grant for an Instream Tidal Current Renewable Energy Study in the Sakonnet River Basin

Approval of Minutes from Regular Council Meeting March 8, 2010

Councilor Lambert requested removal to modify page 8 of the minutes of March 8, 2010 in three areas. The first sentence should be clarified to read Councilor Lambert *to understand the process wanted sections (d) and (e) considered separately*. The second line should be amended to read Councilor Lambert would agree if the policy just ended with subsection (d) *there is no ambiguity*. The third modification would be to the last line of paragraph 2, page 8. Councilor Lambert agreed with Councilor Durfee that a *majority* vote of the Council was needed to send any request to exceed the cap to Providence.

Councilor Roderick made a motion, seconded by Councilor Leonard to approve the minutes of the March 8, 2010 Council meeting with the changes Councilor Lambert requested. Motion passed unanimously.

BUSINESS BROUGHT BEFORE THE COUNCIL

PUBLIC HEARINGS- ADVERTISED:

Steve Ostiguy, Church Community Housing–Second Public Hearing–Comm. Development Block Grant Program

Christian Belden, from Church Community Housing, appeared before the Council, as required by the Community Development Block Grant program, to answer any questions at the Public Hearing. Belden also informed the Council of a change to the second request for improvements to the playground adjacent to Sandywoods Farm with a request for \$79,500, which completes the application total. Previously they were not certain if the item would qualify. There are 14 activities listed with an application total of \$400,000. Items 12 through 14 are excluded from the \$400,000 limit. The second hearing requires a vote to submit the application.

President Bollin opened the second of two Public Hearings on the application for Community Development Block Grant Program (CDBG) asking for public input. Christopher Belden reviewed all requests. Resident Peter Moniz was concerned about getting more funds to the North end of Tiverton, Susan Skanks, from East Bay Community Action program asked the Council for support for the health and dental program and as an economic development item funding for youth training programs. Resident Mike Carreiro asked the Council to consider funding for a Visiting Nurse as the Budget Committee cut it from the budget. Mr. Belden noted that actually may qualify, however the advertising for requests occurred and were not contacted by Visiting Nurse, are welcome to apply next year. Town Administrator informed Council the Town applies for the funds and administers the project fully. He then stated Church Community helps with the administration but the Town executes. Mr. Moniz questioned why the Senior Center roof repair was taking three years to finish. Administrator Goncalo informed him the Town had applied last year and was rejected and applied for the entire amount three years ago. Mr. Moniz wanted to see a report when the grant money is received and questioned number 13 requesting funds for a kitchen at the Sandywoods Farm development.

Being no further comment, Councilor Bollin closed the public hearing.

Councilor Leonard motioned to approve the request for grant as presented and to move forward with the process. Seconded by Councilor Roderick, motion passed unanimously.

Code Enforcement, Gareth Eames – Proposed Adoption of Amendment to Fee Resolution by Increasing or Decreasing Certain Building, Electrical, Plumbing and Mechanical Inspection Permits and Adding Some New Permitting Fees

President Bollin opened the advertised Public Hearing on the proposed adoption of amendment to fee resolution by increasing or decreasing certain building fees and adding some new permitting fees. Code Enforcement official, Gareth Eames, presented several lists to the Council with various fees. The fees include some changes, additions because of new technology including solar panels, outdoor boilers, wind turbine, etc as well as fees for inspections of party tents. Letters were sent to tent companies advising them of the permit fees for tents required by the RI State Building Code.

President Bollin closed the Public Hearing.

Councilor Costa was inclined to make a motion to approve the fees as presented for all but the tent. Solicitor Teitz reminded Council the Building Official has to inspect whether the Town charges or not, cannot relieve him of his duties of inspecting the tent. Mr. Eames tried to structure the fee based on the cost of his time and clerical support.

Councilor Durfee made a motion, seconded by Councilor Costa to approve all the fees as advertised. Councilor Roderick asked what comparable towns were charging for tent fees. Mr. Eames had not checked but noted the minimum fee for inspections is \$60.00 and based it on that. Councilor Leonard noted the irony to encourage low cost housing yet five minutes later the State imposes costs for people to build houses. The Solicitor noted there are provisions for people developing affordable housing to waive certain fees. According to the Building Official just a building permit fee without impact fees is between 1500 and 2000. The State has other fees including those for electrical appliances, an ADA fee, etc. Fee schedule attached to minutes.

The motion passed on a vote of 5-1, Councilor Leonard opposed.

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:
PUBLIC HEARING ADVERTISED**

David W. Ferreira, Everett Lane Inc. dba Family Ties Restaurant, 221 Main Road

a. Requests Approval of BV Liquor License Subject to Meeting All Legal Requirements

President Bollin opened the advertised public hearing for comments on a request for approval of a BV Liquor License to David W. Ferreira, Everett Lane Inc., d/b/a Family Ties Restaurant, 221 Main Road.

Police Chief Blakey informed the Council there were no disqualifiers for this applicant in background check. Mr. Ferreira noted the restaurant would close at 9:00 pm during the week, 10:00 pm on Friday and Saturday. Would not be used as bar but a restaurant that serves alcohol. President Bollin questioned whether the distance was measured to the Church and Pocasset School as this was a new license and not a transfer, noted would be subject to meeting all legal requirements. President Bollin recollected a previous license with the same issue and the distance was measured building to building. The Solicitor noted the distance would have to be measured, based on a specific formula, was looking up the statute. One abutter was concerned about the elderly tenants and the hours of operation. The hours of operation could become a condition of the license, cannot serve alcohol beyond those hours. BV is for beverage and Victualling, can only serve alcohol as long as food is being served. The General Assembly has the authority to issue a waiver with regards to the distance issue.

Councilor Leonard made a motion to grant the BV liquor license contingent upon being subject to all legal requirements including the distance from the Church and School being met. Seconded by Councilor Costa. Solicitor Teitz noted the license should include the time restrictions as stated by the applicant. The motion passed unanimously.

b. Requests Approval of Entertainment License Subject to Meeting All Legal Requirements

President Bollin asked for comments from the public regarding the application for an entertainment license.

The application for the entertainment license was for light dinner music, just acoustical instruments.

Councilor Roderick made a motion, seconded by Councilor Durfee to approve the entertainment license as submitted on plan and subject to meeting all legal requirements. Solicitor Teitz noted the license should be confined to the area shown as submitted on the request. Motion passed unanimously.

NON ADVERTISED:

St. Theresa Church, Karen J. Lucas – Request Approval of Three (3) One Day “F” Liquor Licenses for Annual Parish Feast to be Held on Friday, Saturday and Sunday July 30th, 31st and August 1st – Subject to Meeting All Legal Requirements

Chief Blakey noted this was an annual event no problems in past.

Councilor Costa made a motion, seconded by Councilor Roderick to grant the request for approval of three (3) one day “F” liquor licenses for the annual St. Theresa Church parish feast to be held on July 30²⁰¹⁰ from 5:00 pm to 10:00 p.m., July 31²⁰¹⁰ from 12:00 p.m. to 10:00 p.m. and August 1, 2010 from 12:00 p.m. to 6:00 p.m., subject to meeting all legal requirements. Motion passed unanimously.

UNFINISHED BUSINESS:

Treasurer Philip A. DiMattia – Update on Financial Reporting – Continued from March 8th

a. Preliminary Investment Report – July 1, 2009 to February 28, 2010

b. Tiff Bond Earning in February Treasurer’s Report

c. Abatements – Procedure for Presenting in Treasurer Reports

d. Encumbrances

Treasurer DiMattia updated the Council on the reports that were passed out at the March 8th meeting. Councilor Roderick had requested the reports for some time. The reports were summarized by the General Fund, Litigation and the Landfill Closure account. Councilor Roderick reserved the right to request the Treasurer return with an updated investment report including institution, beginning balance, interest rate and ending balance. Councilor Durfee asked the Treasurer how much the Town needed in operating funds on a monthly basis. Treasurer replied \$2 million per month. Councilor Durfee also noted the very low .65% interest rate of 4 million for six months in Washington Trust. Treasurer replied this was locked up; his first requirement for the funds was liquidity for emergencies like debt service. Councilor Roderick pointed out the Council was looking to get the greatest impact on interest.

Treasurer DiMattia noted he removed the interest from the TIF bonds and abatements from the budget report. The police pension was noted to be missing. Councilor Leonard noted the Town Administrator chairs this board, the Treasurer is a member of this board, has a separate report.

FINANCIAL BUSINESS:

Financial Town Meeting

a. Approval of Revised Budget for 2010/11 for Submission to Budget Committee

Town Administrator Goncalo requested approval from the Council to submit the revised budget for 2010/11 to the Budget Committee. Minor changes were made making the budget slightly lower than it was initially. Councilor Durfee read the decision of the Budget Committee to reduce the budget by \$376,000, asked the Town Administrator where would that put the Town. Cutting of the Town Planner to part time, taking down the EDC. The Administrator certainly did not agree with the changes recommended including Fire Dept. overtime being lower than previous years. Councilor Lambert questioned if there would be two budget proposals, one from the Budget Committee and one from the Council.

Councilor Durfee, given the uncertainty of car tax revenue or ability to tax from the State posed the idea of changing the date of the Financial Town Meeting (FTM). President Bollin noted last year there was uncertainty as

well. Councilor Lambert agreed with Councilor Durfee, when the Budget Committee is talking about cutting services for Visiting Nurses, the Town needs accurate numbers. Councilor Durfee was prepared to make a motion to ask the Town Solicitor to draft a proposal to be submitted to the General Assembly that would in effect authorize the Town Council to change the date of the FTM to a date possibly in September and allow continuation of this year's rate for July billing to be reconciled with future quarters. Councilor Leonard seconded the motion for discussion.

Councilor Durfee noted this would extend the period of payment dates. Councilor Leonard noted the money proposed from the State could be pulled back at any time, as was this year. President Bollin noted the fourth quarter payment for this year is still up in the air besides next year standing to lose \$1.4 million in motor vehicle tax. Councilor Roderick was concerned that even in September the Council still won't know what the Town might get. Councilor Durfee noted some communities are putting legislation for relief of car tax, hard to argue against full disclosure.

Town Clerk, Nancy Mello, reminded the Council the deadlines for canvassing and advertising still have to be met, going forward with date of May 8 for the FTM until a different date is set. President Bollin suggested changing the workshop on Monday to a Special Meeting, all Councilors agreed. The agenda would include a joint meeting with the School Committee regarding the budget, Council discussion of the budget and proposed legislation by the Solicitor relative to the FTM.

b. Proposed Resolve to Sell Town Property

Town Administrator Goncalo, in anticipation of recommendations of the Municipal Building Advisory Committee (MBAC) proposed a resolve to sell Town property. Should the MBAC come to a conclusion and Council agree to sell properties, get approval now without having to wait for another FTM. Councilor Leonard thought this to be premature. Solicitor Teitz drafted the proposal at the request of the Administrator, which stated any sale has to be in accordance with the recommendations of the committee. Councilor Durfee agreed with Councilor Leonard, premature. President Bollin saw this as starting the process earlier. Councilor Costa noted the wording "any such transfer." limits the Council's ability to take action. Solicitor Teitz agreed, the FTM can do whatever it wants; this is a restriction on the Council.

Laura Epke, chair of the MBAC was not representing the Committee, has not discussed this, agree premature. As a voter should be presented a plan including what would be done with proceeds of a sale, needs to be part of big picture. Councilor Costa noted that was not a function of the committee. Councilor Lambert, ex-officio Council member of the MBAC, suggested additional wording, fourth sentence from the bottom after Committee; "*and provided any such transfer be subject to conditions of the Town Council*". Councilor Roderick disagreed with the resolve, also premature.

Councilor Lambert made a motion, seconded by Councilor Costa to approve the proposed resolve with the additional wording. Motion passed on a vote of 5-1, Councilor Leonard opposed.

RESOLVED, that pursuant to Section 204 of the Town Charter, the Town Council is hereby authorized to transfer ownership of any of the following of Tiverton's municipally owned buildings: Nonquit School, Old Ranger School, Judson Street Community Center, Senior Center, Town Hall, and DPW facility; provided however that the Municipal Facilities Committee shall have completed its study of the current use and structural status of such buildings and submitted its recommendations to the Town Council; and further provided that any such transfer is either at not less than Fair Market Value (FMV), or if less than FMV, to a non-profit or government entity acting for the public good; and provided that any such transfer be subject to such conditions as required by the Town Council. This approval shall expire as of the second Saturday in May 2011.

c. Report on Proposed Reduction of Level Funding

Administrator Goncalo was asked to prepare a report indicating areas effected if budget was severely cut. Some of the suggested areas to cut included Fire and Police Dept. services, Street lights, trash pick-up, etc President Bollin asked for a report from Chief Lloyd regarding budget cuts should plan reviews not be budgeted and residents would be forced to go to State. Snow removal reduction could include cutting back on private plows, slower removal of snow. Administrator suggests entire re-evaluation of the methods of operation would be needed. Could have an estimate of dollars and come up with a worst-case scenario next week. The budget was level funded this year and last, to do this for a third year in a row, affecting the infrastructure. President Bollin noted level funding took the Town backward. Mr. Carreiro questioned the debt service for sewerage for the TIF bond, did not want to be subsidizing a gated community. Councilor Durfee explained that tax money goes to pay off that bond debt for the sewer line that also extends to the Industrial Park area, the Town does pay for trash, Police and Fire services, which are also provided for other Town residents.

Councilor Durfee made a motion, seconded by Councilor Costa to send to the Budget Committee a list of items absolutely needed in budget for the record. Motion passed unanimously.

Treasurer DiMattia and Town Administrator – Revenue Estimates to be Forwarded to Budget Committee

The Town Administrator noted to the Council the revenue forecast did not include the MV tax payment, nearly \$1 million. Councilor Leonard was concerned about the projected \$4.8 million in education aid, not a firm number. The Administrator took the numbers from the Governor's budget.

Councilor Roderick made a motion, seconded by Councilor Leonard to submit the revenue estimates to the Budget Committee. Motion passed unanimously.

NEW BUSINESS:

Town Administrator – Request Council Approval to Extend Contract to Clean Rentals, Inc for DPW Uniforms

Councilor Costa made a motion, seconded by Councilor Leonard to approve the contract extension to Clean Rentals, Inc. for DPW uniforms. Councilor Roderick questioned the type of uniform and the cost per year. Administrator Goncalo noted the cleaning for pants, shirt and jacket was part of the contractual agreement costing approximately \$6,000 per year. Motion passed unanimously.

Isabel Hart – Captain Robert Gray Plaque – Appeal for Fund Raising to Replace Plaque

Mrs. Isobel Hart wanted to bring to the Council's attention the plaque at the Robert Gray homestead was missing. Maybe with a little advertising can get the replacement cost of the plaque approximately \$475 donated. Interested parties can donate to the Capt. Robert Gray Memorial Fund, c/o Town of Tiverton. Mrs. Hart made several inquiries regarding the plaque, still investigating.

Chris Spencer, Town Planner – Request Council Approval to Send Letter to RIDOT Requesting a Sign be Placed on Route 24 Relative to Tiverton Four Corners Historic District Exit

Chris Spencer, Town Planner, asked for Council approval to send a letter to RIDOT requesting a sign be placed on Route 24 relative to Four Corners. The Historic District sign would be placed on Route 24 southbound before exit 5.

Councilor Durfee made a motion, seconded by Councilor Roderick to authorize the Town Planner to send the letter to RIDOT. Motion passed on a vote of 5-1, Councilor Costa opposed.

Town Clerk – Scheduling of Workshop for March 29th

As previously discussed the workshop will now become a Special Meeting. The agenda will include a joint meeting with the School Committee, discussion of policy of FTM and the Budget.

Councilor Roderick made a motion, seconded by Councilor Leonard to schedule a Special Council Meeting on March 29,2010.Motion passed on a vote of 5-1, Councilor Costa opposed.

Solicitor Teitz may not be in attendance, someone else from his office will attend the meeting.

BIDS AND REQUESTS FOR PROPOSALS:

Recreation Committee – Request Approval to Solicit Bids for Fencing on Bulgarmarsh Road Playground

Councilor Durfee made a motion, seconded by Councilor Roderick, to authorize the approval to solicit bids for fencing on Bulgarmarsh Road playground. Motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. A driving class for people over 50 will be held Saturday, August 14th. Cost for AARP members \$12 and \$14 for non-members. Could result in saving 5-15% on auto insurance.
2. Senior Center cake sale is Saturday, April 10th.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Grow Smart RI is having a seminar on “Making Good Land-Use Decisions” on April 7th, April 14th and April 28th. See Town Clerk for copies. Reduced registration fees available for \$30 upon proving hardship. Advanced coursed also offered. The RI Interlocal Trust, if the Town is a participating member, is providing fee assistance for registration.

Request Town Council Approval of Agreement With Stone Bridge Fire District for Soccer Complex

Solicitor Teitz prepared an agreement for the Town to receive donated lots by Stone Bridge Fire District. Land is donated free of costs with concerns that work done timely. Town to apply for grant money. Fire District will be reimbursed for legal expenses and surveying through Recreation Committee fund raising. Done in two phases, the first phase is done in two years, with no time limit for phase two. The agreement has also been reviewed and approved by the Stone Bridge Fire District and the Recreation Chair. The Town would pick up the cost of insuring and indemnifying right away.

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the agreement as drafted by the Town Solicitor. Motion passed unanimously.

The following item was taken out of order.

Proposed Resolution to Exceed the Tax Cap for the Financial Town Meeting

Solicitor Teitz noted no matter what happens with the Council vote, it should be clear the FTM also has to approve the excess levy. Councilor Lambert was concerned the Council was approving the excess levy before it goes in front of the Auditor General. Should hold off until K-2, the proposed draft resolution for establishing policy. Solicitor Teitz did not regard this as approving the excess levy, just putting it on the docket in case it's needed. Would be just before the tax vote after final votes are taken at FTM if over the 4.5%, as a standby.

Councilor Roderick agreed with Councilor Lambert, gives the appearance the Council has approved the excess levy. Councilor Durfee suggested changing the wording and using “to be used only”. Councilor Lambert noted the Council did not know if they would exceed the cap, or what amount will be certified. Councilor Roderick preferred this to be printed separately.

Councilor Costa made a motion, seconded by Councilor Durfee, to proceed with Standby motion as prepared by Town Solicitor. Discussion followed. Jeff Caron, Chair of the Budget Committee, told the Council it looked like the budget will be under the cap. In his view the FTM cannot break the cap. Councilor Lambert noted the Council set out to come up with a policy with the steps seems to ignore that with a standby motion.

Councilor Durfee noted the Budget Committee cuts were so drastic, giving the School Dept. only \$1 more than last year and eliminating social services and part time planner on municipal side, taxpayers could see need to fund. Mr. Caron budget could come in at the cap.

Councilor Durfee suggested deferring the FTM until the Council knows more about the MV revenues and State Aid. President Bollin noted tonight is not to argue what will be at the FTM, the Budget Committee has a job to do, and the Council has a job. Just voted to send to the Budget Committee the list of \$411,000 extraordinary items. The standby motion is totally irrelevant. Councilor Lambert noted two years ago at the FTM there was something wrong with the system, nobody had any idea. If we are going to impose a levy that exceeds the cap make sure the process is understood. The standby motion confuses the issue. Councilor Durfee did not see this as supplementing the policy, but as a safeguard for the people of the Town. President Bollin questioned what would happen if the appropriation at the FTM exceeds the cap, agreed there was a need for a process.

Solicitor Teitz opined there were a variety of courses including going to the Supreme Court for a declaratory judgment, go to the Attorney General and go to the Dept of Revenue to certify retroactively. Suggests this as one step. The FTM has the ultimate authority to tax themselves. "Standby Motion" to protect the Town, trying to eliminate variables.

Councilor Leonard made a motion to defer action on the Solicitor's proposal and table until the next regular Council meeting. Councilor Costa, who had made a previous motion, withdrew that motion. Councilor Roderick seconded the motion to defer. Motion passed unanimously.

Draft Resolution for Establishing Policy for Exceeding Budget Cap Continued From March 8th Meeting

President Bollin and Councilor Lambert addressed need to have set rules for procedure in event budget exceeds tax cap. The cap is an issue every year. Solicitor Teitz noted, two weeks ago, after a lengthy debate, understood he would be getting comments from individual Councilors about this issue since unable to get consensus at prior meeting. Since too many different opinions felt Council should once again discuss and amend.

Councilor Lambert passed out a draft for a proposed resolution, not trying to push a view or an agenda just amended what Solicitor Teitz put forth. Based on his understanding, step1, T/A at direction of Council, in consultation with Chair of B/C and Treasurer shall act for town in regard to forecasting necessity of exceeding the cap. Step 2, Council required to approve by majority notification to State of possible intent to exceed. Step 3, following "certification" by State Town Council shall be required to approve in advance of FTM by 4/5 vote. Step 4, vote in excess levy approved by Council shall also require approval of majority at FTM. Added if not approved by the State, neither the Town Council nor electors may approve a budget with an excess levy.

Councilor Leonard noted the Council has to take responsibility to ask for certification by a majority vote. Councilor Roderick noted what's at issue is the approving body. Conversely the FTM can vote to go over the cap.

Mr. Caron complained the interpretation of the Solicitor that the FTM can do what it wants means there is no longer a tax cap in Tiverton. President Bollin again posed the question what happens if the FTM approves a budget in excess of the cap. Can only generate so much through taxation. Mr. Caron urged the Council to adopt a policy and keep the tax cap in play. Councilor Durfee suggested proceeding to Court where it will be brought to a conclusion. President Bollin noted the Council was trying to reach an agreement in settlement of a lawsuit, maybe get guidance of the Court, can't come up with a consensus. Policy has to conform to the law.

Councilor Durfee made a motion, seconded by Councilor Costa to table the draft resolution for establishing policy. The motion passed on a vote of 4-2, Councilors Lambert and Bollin opposed.

Received from Laura Epke Regarding Council Tax Cap Policy

Council received a copy of a proposed policy relative to exceeding the tax cap from Ms. Epke. No action was taken.

CLOSED EXECUTIVE SESSION:

Town Solicitor - Litigation – 42-46-5(a) (2)

Executive Session was not held. Solicitor reported information in packet, due to late hour would discuss at next meeting.

Councilor Costa, made a motion, seconded by Councilor Durfee to remove

ADJOURNMENT:

Councilor Costa made a motion, seconded by Councilor Durfee to adjourn. Motion passed unanimously.

Council adjourned at approximately 11:15 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

TIVERTON, RI
BUILDING PERMIT SCHEDULE
Effective 3-22-10

<u>COST</u>		<u>FEE AMOUNT</u>	
Tent Permits (flat fee)		\$ 60.00	
Re-inspection Fee (each)		\$ 90.00	
\$ 1.00	TO	\$ 149.00	\$ 15.00
150.00	TO	\$ 499.00	\$ 20.00
500.00	TO	\$ 999.00	\$ 30.00
1,000.00	TO	\$ 1,499.00	\$ 40.00
1,500.00	TO	\$ 1,999.00	\$ 50.00
2,000.00	TO	\$ 2,499.00	\$ 60.00
2,500.00	TO	\$ 4,999.00	\$ 75.00
5,000.00	TO	\$ 7,499.00	\$ 75.00
7,500.00	TO	\$ 9,999.00	\$ 80.00
10,000.00	TO	\$ 49,999.00	\$ 9.00/K
50,000.00	OR MORE		\$500.00 + \$9/K OVER 50K

95-331

H-6125 am THIS LAW PROHIBITS CITIES AND TOWNS FROM CHARGING A BUILDING PERMIT FEE FOR THE CONSTRUCTION OR REPAIR OF AN ACCESS RAMP FOR DISABLED PERSONS AT A RESIDENTIAL DWELLING.

*****Please note that there is a STATE FEE in addition to the above fees which is \$1.00 per \$1000.00 of cost for labor and materials rounded off to the nearest dollar.*****Radon Fee where applicable.

- Note: All new construction to be calculated at \$110.00 per square foot cost.
- Contracts must be presented for job costing \$1,000.00 or more.

Penalty for failing to obtain a permit prior to start of construction

For State Registered Contractor's and Building Owners—the fee for failing to obtain a permit prior to starting construction is \$300.00. The fee for the second offense is \$600.00. The fee for the third offense or more is \$1,200.00.

Certificate of Occupancy fee \$35.00.

Permit fees for commercial and industrial projects costing \$1,000,000.00 or more may be reduced to more accurately reflect the cost of town services. The fees for all municipal and governmental projects may be reduced or waived to more accurately reflect the cost of town services and the cost to taxpayers in general and/or the public benefit to be obtained from the project.

ELECTRICAL PERMIT SCHEDULE
Effective 3-22-10

\$ 90.00	REINSPECTION FEE (DUE TO VIOLATION)
\$ 60.00	MINIMUM PERMIT FEE; TEMP SERVICE; BASE FEE
\$ 60.00	SERVICE UPGRADE/SERVICE REVAMP/SERVICE RE-LOCATE
\$ 10.00	<u>EACH</u> MAJOR APPLIANCE: RANGE, WASHER, DRYER, OIL BURNER, WATER PUMP, WATER HEATER, AIR COND., DISHWASHER, JACUZZI, DISPOSAL, WASTE COMPACTORS, JENAIRE MICROWAVE SYSTEMS
\$ 10.00	SMOKE DETECTORS (FLAT RATE)
\$.80	<u>EACH</u> OUTLET, FIXTURE, SWITCH
\$40.00	PER KILOWATT FOR ELECTRIC HEAT (FLAT RATE)
\$40.00	PER ADDITIONAL METER LOOP
\$40.00	BURGLAR ALARMS, FIRE ALARMS (COMMERCIAL SEE BELOW)
\$65.00	SWIMMING POOL--ABOVE GROUND
\$78.00	SWIMMING POOL—INGROUND
\$20.00	TELEPHONES (FLAT RATE)
\$20.00	CABLE TV (FLAT RATE)
\$40.00	EACH POLE/ POWER UNITS FOR CABLE TV ON POLE
\$130.00	MODULAR HOMES (2 SECTION) INCLUDING SERVICE
\$260.00	MODULAR HOMES (4 SECTION) INCLUDING SERVICE
\$260.00	MANUFACTURED HOMES-INCLUDING SERVICE
\$20.00	DATA WIRING
\$20.00	SOUND SYSTEMS
\$20.00	SATELITE SYSTEMS
\$100.00	SOLAR PANELS/WIND TURBINES

COMMERCIAL & INDUSTRIAL & MIXED USED PERMIT FEES
4% OF THE TOTAL ELECTRICAL PROJECT AMOUNT

*****Please note that there is a STATE FEE in addition to the above fees which is \$1.00 per \$1000.00 of cost for labor and materials rounded off to the nearest dollar.*****

Penalty for failing to obtain a permit prior to start of construction

For State Registered Contractor's and Building Owners—the fee for failing to obtain a permit prior to starting construction is \$300.00. The fee for the second offense is \$600.00. The fee for the third offense or more is \$1,200.00.

Permit fees for commercial and industrial projects costing \$1,000,000.00 or more may be reduced to more accurately reflect the cost of town services. The fees for all municipal and governmental projects may be reduced or waived to more accurately reflect the cost of town services and the cost to taxpayers in general and/or the public benefit to be obtained from the project.

TIVERTON, RI
PLUMBING PERMIT SCHEDULE
Effective 3-22-10

MINIMUM PERMIT FEE (INCLUDES 2 INSPECTIONS-ROUGH & FINISH)	\$ 60.00
BELOW GROUND, CELLAR BOTTOM—ADD	\$ 30.00
REINSPECTION---DUE TO VIOLATION	\$ 90.00
ALL FIXTURES	\$ 15.00 EACH

FLOOR DRAINS	\$ 9.00
HOSE BIBBS	\$ 9.00
SOLAR HOT WATER CONVERSION	\$ 80.00
MANUFACTURED HOMES-MODULARS/TRAILERS	\$150.00
DUPLEX HOUSING UNITS (2) PERMITS REQUIRED—ONE PER UNIT	

COMMERCIAL & INDUSTRIAL & MIXED USED PERMIT FEES

4% OF THE TOTAL PLUMBING PROJECT AMOUNT

*****Please note that there is a STATE FEE in addition to the above fees which is \$1.00 per \$1000.00 of cost for labor and materials rounded off to the nearest dollar.*****

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For State Registered Contractor's and Building Owners—the fee for failing to obtain a permit prior to starting construction is \$300.00. The fee for the second offense is \$600.00. The fee for the third offense or more is \$1,200.00.

Permit fees for commercial and industrial projects costing \$1,000,000.00 or more may be reduced to more accurately reflect the cost of town services. The fees for all municipal and governmental projects may be reduced or waived to more accurately reflect the cost of town services and the cost to taxpayers in general and/or the public benefit to be obtained from the project.

TIVERTON, RI

MECHANICAL PERMIT SCHEDULE

Effective 3-22-10

MINIMUM PERMIT FEE	\$ 60.00
REINSPECTION – DUE TO VIOLATION	\$ 90.00
HEATING SYSTEM	\$140.00
BOILERS/FURNACES/ OIL TANKS	
OUTDOOR CENTRAL BOILERS	\$ 85.00
HOT WATER MAKER	\$ 35.00
A/C UNITS & DUCTWORK	\$ 70.00 EACH
GAS PIPING PERMIT	\$ 70.00
GAS TANK INSTALL ONLY	\$ 60.00
WOODSTOVES/ PELLET STOVES	\$ 85.00
PORTABLE GAS HEATING APPLIANCE	\$ 60.00
SOLAR THERMAL ARRAYS	\$100.00
CHIMNEY LINERS	\$ 60.00

COMMERCIAL & INDUSTRIAL PERMIT FEES

4% OF THE TOTAL MECHANICAL PROJECT COST

*******Please note that there is a STATE FEE in addition to the above fees which is \$1.00 per \$1000.00 of cost for labor and materials rounded off to the nearest dollar.*******

Penalty for failing to obtain a permit prior to start of construction:

For State Registered Contractor's and Building Owners—the fee for failing to obtain a permit prior to starting construction is \$300.00. The fee for the second offense is \$600.00. The fee for the third offense or more is \$1,200.00.

Permit fees for commercial and industrial projects costing \$1,000,000.00 or more may be reduced to more accurately reflect the cost of town services. The fees for all municipal and governmental projects may be reduced or waived to more accurately reflect the cost of town services and the cost to taxpayers in general and/or the public benefit to be obtained from the project.